



# Children and Social Work Act 2017

## 2017 CHAPTER 16

### PART 1

#### CHILDREN

### CHAPTER 1

#### LOOKED AFTER CHILDREN

#### *Corporate parenting principles for English local authorities*

### **1 Corporate parenting principles**

- (1) A local authority in England must, in carrying out functions in relation to the children and young people mentioned in subsection (2), have regard to the need—
- (a) to act in the best interests, and promote the physical and mental health and well-being, of those children and young people;
  - (b) to encourage those children and young people to express their views, wishes and feelings;
  - (c) to take into account the views, wishes and feelings of those children and young people;
  - (d) to help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners;
  - (e) to promote high aspirations, and seek to secure the best outcomes, for those children and young people;
  - (f) for those children and young people to be safe, and for stability in their home lives, relationships and education or work;
  - (g) to prepare those children and young people for adulthood and independent living.
- (2) The children and young people mentioned in this subsection are—

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- (a) children who are looked after by a local authority, within the meaning given by section 22(1) of the Children Act 1989;
  - (b) relevant children within the meaning given by section 23A(2) of that Act;
  - (c) persons aged under 25 who are former relevant children within the meaning given by section 23C(1) of that Act.
- (3) In this section—
- “local authority in England” means—
- (a) a county council in England;
  - (b) a district council;
  - (c) a London borough council;
  - (d) the Common Council of the City of London (in their capacity as a local authority);
  - (e) the Council of the Isles of Scilly;
  - (f) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
- “relevant partners”, in relation to a local authority, has the meaning given by section 10(4) of the Children Act 2004.
- (4) A local authority in England must have regard to any guidance given by the Secretary of State as to the performance of the duty under subsection (1).

### *Care leavers in England*

## **2 Local offer for care leavers**

- (1) A local authority in England must publish information about—
- (a) services which the local authority offers for care leavers as a result of its functions under the Children Act 1989;
  - (b) other services which the local authority offers that may assist care leavers in, or in preparing for, adulthood and independent living.
- (2) For the purposes of subsection (1), services which may assist care leavers in, or in preparing for, adulthood and independent living include services relating to—
- (a) health and well-being;
  - (b) relationships;
  - (c) education and training;
  - (d) employment;
  - (e) accommodation;
  - (f) participation in society.
- (3) Where it considers appropriate, a local authority in England must publish information about services for care leavers offered by others which the local authority has power to offer as a result of its functions under the Children Act 1989.
- (4) Information required to be published by a local authority under this section is to be known as its “local offer for care leavers”.
- (5) A local authority must update its local offer for care leavers from time to time, as appropriate.

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- (6) Before publishing its local offer for care leavers (or any updated version) a local authority must consult relevant persons about which of the services offered by the local authority may assist care leavers in, or in preparing for, adulthood and independent living.
- (7) In this section—
- “care leavers” means—
- (a) eligible children within the meaning given by paragraph 19B of Schedule 2 to the Children Act 1989;
  - (b) relevant children within the meaning given by section 23A(2) of that Act;
  - (c) persons aged under 25 who are former relevant children within the meaning given by section 23C(1) of that Act;
  - (d) persons qualifying for advice and assistance within the meaning given by section 24 of that Act;
- “local authority in England” means—
- (a) a county council in England;
  - (b) a district council;
  - (c) a London borough council;
  - (d) the Common Council of the City of London (in their capacity as a local authority);
  - (e) the Council of the Isles of Scilly;
  - (f) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
- “relevant persons”, in relation to a local authority, means such care leavers and other persons as appear to the local authority to be representative of care leavers in its area.

### 3 Advice and support

- (1) The Children Act 1989 is amended as follows.
- (2) After section 23CZA insert—

#### **“23CZB England: further advice and support**

- (1) This section applies to a former relevant child if—
- (a) he or she has reached the age of 21 but not the age of 25, and
  - (b) a local authority in England had duties towards him or her under section 23C (whether or not some of those duties continue to subsist by virtue of subsection (7) of that section).
- (2) If the former relevant child informs the local authority that he or she wishes to receive advice and support under this section, the local authority has the duties provided for in subsections (3) to (6).
- (3) The local authority must provide the former relevant child with a personal adviser until the former relevant child—
- (a) reaches the age of 25, or

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- (b) if earlier, informs the local authority that he or she no longer wants a personal adviser.
  - (4) The local authority must—
    - (a) carry out an assessment in relation to the former relevant child under subsection (5), and
    - (b) prepare a pathway plan for the former relevant child.
  - (5) An assessment under this subsection is an assessment of the needs of the former relevant child with a view to determining—
    - (a) whether any services offered by the local authority (under this Act or otherwise) may assist in meeting his or her needs, and
    - (b) if so, what advice and support it would be appropriate for the local authority to provide for the purpose of helping the former relevant child to obtain those services.
  - (6) The local authority must provide the former relevant child with advice and support that it would be appropriate to provide as mentioned in subsection (5) (b).
  - (7) Where a former relevant child to whom this section applies is not receiving advice and support under this section, the local authority must offer such advice and support—
    - (a) as soon as possible after he or she reaches the age of 21, and
    - (b) at least once in every 12 months.
  - (8) In this section “former relevant child” has the meaning given by section 23C(1).”
- (3) In section 23CA (further assistance to pursue education or training) for subsection (2) substitute—
- “(2) It is the duty of the responsible local authority to provide a personal adviser for a person to whom this section applies.”
- (4) In section 23D (personal advisers) after subsection (2) insert—
- “(3) Where a local authority in England ceases to be under a duty to provide a personal adviser for a person under any provision of this Part, that does not affect any other duty under this Part to provide a personal adviser for the person.
- (4) Where a local authority in England has more than one duty under this Part to provide a personal adviser for a person, each duty is discharged by the provision of the same personal adviser (the local authority are not required to provide more than one personal adviser for the person).”
- (5) Section 23E (pathway plans) is amended as follows.
- (6) In subsection (1) (contents of pathway plan), after paragraph (a) (but before the “and” at the end) insert—
- “(aa) in the case of a plan prepared under section 23CZB, the advice and support that the local authority intend to provide;”.
- (7) After subsection (1) insert—

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- “(1ZA) A local authority may carry out an assessment under section 23CZB(5) of a person’s needs at the same time as any assessment of the person’s needs is made under section 23CA(3).”
- (8) In subsection (1A) (statutory assessments that may be carried out at the same time as assessment relating to a pathway plan) after “23B(3)” insert “, 23CZB(5)”.
- (9) In subsection (1B) (regulations about assessments) after “23B(3)” insert “, 23CZB(5)”.
- (10) In subsection (1D) (pathway plans to be kept under review) after “23B” insert “, 23CZB”.

### *Educational achievement in England*

## **4 Duty of local authority in relation to previously looked after children**

Before section 23ZA of the Children Act 1989 (and the italic heading before it) insert—

### *“Educational achievement of previously looked after children*

#### **23ZZA Information and advice for promoting educational achievement**

- (1) A local authority in England must make advice and information available in accordance with this section for the purpose of promoting the educational achievement of each relevant child educated in their area.
- (2) The advice and information must be made available to—
- any person who has parental responsibility for the child,
  - the member of staff at the child’s school designated under section 20A of the Children and Young Persons Act 2008 or by virtue of section 2E of the Academies Act 2010, and
  - any other person that the local authority consider appropriate.
- (3) A local authority in England may do anything else that they consider appropriate with a view to promoting the educational achievement of relevant children educated in their area.
- (4) A local authority in England must appoint at least one person for the purpose of discharging the duty imposed by subsection (1).
- (5) The person appointed for that purpose must be an officer employed by the authority or another local authority in England.
- (6) In this section—
- “relevant child” means—
- a child who was looked after by the local authority or another local authority in England or Wales but ceased to be so looked after as a result of—

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- (i) a child arrangements order which includes arrangements relating to with whom the child is to live, or when the child is to live with any person,
  - (ii) a special guardianship order, or
  - (iii) an adoption order within the meaning given by section 72(1) of the Adoption Act 1976 or section 46(1) of the Adoption and Children Act 2002, or
  - (b) a child who appears to the local authority—
    - (i) to have been in state care in a place outside England and Wales because he or she would not otherwise have been cared for adequately, and
    - (ii) to have ceased to be in that state care as a result of being adopted.
- (7) For the purposes of this section a child is educated in a local authority’s area if—
- (a) the child is receiving early years provision secured by the local authority under section 7(1) of the Childcare Act 2006, or
  - (b) the child is of compulsory school age and—
    - (i) the child attends a school in the local authority’s area, or
    - (ii) if the child does not attend school, the child receives all or most of his or her education in the local authority’s area.
- (8) For the purposes of this section a child is in “state care” if he or she is in the care of, or accommodated by—
- (a) a public authority,
  - (b) a religious organisation, or
  - (c) any other organisation the sole or main purpose of which is to benefit society.”

## **5 Maintained schools: staff member for previously looked after pupils**

After section 20 of the Children and Young Persons Act 2008 insert—

### **“20A Designated staff member for previously looked after pupils**

- (1) The governing body of a maintained school in England must—
- (a) designate a member of the staff at the school (the “designated person”) as having responsibility for promoting the educational achievement of registered pupils within subsection (2), and
  - (b) ensure that the designated person undertakes appropriate training and has regard to any guidance issued by the Secretary of State.
- (2) A registered pupil is within this subsection if the pupil—
- (a) was looked after by a local authority but ceased to be looked after by them as a result of—
    - (i) a child arrangements order (within the meaning given by section 8(1) of the 1989 Act) which includes arrangements relating to with whom the child is to live, or when the child is to live with any person,

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- (ii) a special guardianship order (within the meaning given by section 14A(1) of the 1989 Act), or
    - (iii) an adoption order (within the meaning given by section 72(1) of the Adoption Act 1976 or section 46(1) of the Adoption and Children Act 2002), or
  - (b) appears to the governing body—
    - (i) to have been in state care in a place outside England and Wales because he or she would not otherwise have been cared for adequately, and
    - (ii) to have ceased to be in that state care as a result of being adopted.
- (3) The Secretary of State may by regulations require the governing body of a maintained school in England to ensure that the designated person has qualifications or experience (or both) prescribed by the regulations.
- (4) In exercising its functions under this section the governing body of a maintained school in England must have regard to any guidance issued by the Secretary of State.
- (5) For the purposes of this section a person is “looked after by a local authority” if the person is looked after by a local authority for the purposes of the 1989 Act or Part 6 of the 2014 Act.
- (6) For the purposes of this section a person is in “state care” if he or she is in the care of, or accommodated by—
  - (a) a public authority,
  - (b) a religious organisation, or
  - (c) any other organisation the sole or main purpose of which is to benefit society.
- (7) In this section—
  - “maintained school” has the meaning given by section 39(1) of the Education Act 2002;
  - “registered pupil” has the meaning given by section 434(5) of the Education Act 1996.”

## **6 Academies: staff member for looked after and previously looked after pupils**

- (1) After section 2D of the Academies Act 2010 insert—

### **“2E Provision about staff member for looked after and previously looked after pupils**

- (1) An Academy agreement must include provision requiring the proprietor of the Academy—
- (a) to designate a member of staff at the Academy (the “designated person”) as having responsibility for promoting the educational achievement of relevant pupils at the Academy,
  - (b) to ensure that the designated person undertakes appropriate training and has regard to any guidance issued by the Secretary of State, and

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- (c) in complying with provision included in the agreement by virtue of paragraph (a) or (b), to have regard to any guidance issued by the Secretary of State.
- (2) An Academy agreement made before the day on which section 6 of the Children and Social Work Act 2017 (which inserts this section) comes fully into force is to be treated as if it included the provision required by subsection (1).
- (3) The Secretary of State may by regulations—
- (a) require an Academy agreement to include provision requiring the proprietor of the Academy—
    - (i) to ensure that a designated person has qualifications or experience (or both) prescribed by the regulations, and
    - (ii) in complying with provision included in the agreement by virtue of sub-paragraph (i), to have regard to any guidance issued by the Secretary of State;
  - (b) provide that an Academy agreement made before the day on which the regulations come into force is to be treated as if it included any provision required under paragraph (a).
- (4) In this section—
- “pupil”—
- (a) in relation to an Academy school or an alternative provision Academy, means a registered pupil at the Academy;
  - (b) in relation to a 16 to 19 Academy, means a person receiving education at the Academy;
- “relevant pupil”, in relation to Academy, means a pupil at the Academy who—
- (a) is looked after by a local authority,
  - (b) was looked after by a local authority but has ceased to be so looked after as a result of a relevant order, or
  - (c) appears to the proprietor of the Academy—
    - (i) to have been in state care in a place outside England and Wales because he or she would not otherwise have been cared for adequately, and
    - (ii) to have ceased to be in that state care as a result of being adopted;
- “relevant order” means—
- (a) a child arrangements order (within the meaning given by section 8(1) of the Children Act 1989) which includes arrangements relating to—
    - (i) with whom a child is to live, or
    - (ii) when a child is to live with any person,
  - (b) a special guardianship order (within the meaning given by section 14A(1) of the Children Act 1989), or
  - (c) an adoption order (within the meaning given by section 72(1) of the Adoption Act 1976 or section 46(1) of the Adoption and Children Act 2002).



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- (5) For the purposes of this section a person is “looked after by a local authority” if the person is looked after by a local authority for the purposes of the Children Act 1989 or Part 6 of the [Social Services and Well-being \(Wales\) Act 2014](#) (anaw 4).
- (6) For the purposes of this section a person is in “state care” if he or she is in the care of, or accommodated by—
- (a) a public authority,
  - (b) a religious organisation, or
  - (c) any other organisation the sole or main purpose of which is to benefit society.
- (7) For the purposes of section 569 of EA 1996 (as applied by section 17(4)), regulations under subsection (3)(b) are to be treated as if the statutory instrument containing them fell within subsection (2A) of that section (regulations subject to affirmative procedure).”
- (2) After section 2 of the Academies Act 2010 insert—

*“Provision to be included in Academy agreements”.*

## **7 Maintained schools: guidance for staff member for looked after pupils**

In section 20 of the Children and Young Persons Act 2008 (designated staff member for looked after pupils) after subsection (2) insert—

“(2A) If the school is in England, the governing body must ensure that the designated person has regard to any guidance issued by the Secretary of State.”

*Care and adoption proceedings in England and Wales*

## **8 Care orders: permanence provisions**

In section 31 of the Children Act 1989 (care and supervision orders), for subsection (3B) substitute—

“(3B) For the purposes of subsection (3A), the permanence provisions of a section 31A plan are—

- (a) such of the plan’s provisions setting out the long-term plan for the upbringing of the child concerned as provide for any of the following—
  - (i) the child to live with any parent of the child’s or with any other member of, or any friend of, the child’s family;
  - (ii) adoption;
  - (iii) long-term care not within sub-paragraph (i) or (ii);
- (b) such of the plan’s provisions as set out any of the following—
  - (i) the impact on the child concerned of any harm that he or she suffered or was likely to suffer;
  - (ii) the current and future needs of the child (including needs arising out of that impact);
  - (iii) the way in which the long-term plan for the upbringing of the child would meet those current and future needs.”

**9 Adoption: duty to have regard to relationship with adopters**

In section 1(4) of the Adoption and Children Act 2002 (matters to which court is to have regard in coming to a decision relating to the adoption of a child), in paragraph (f) (relationships), after “relatives,” in the first place it occurs, insert “with any person who is a prospective adopter with whom the child is placed,”.

*Secure accommodation***10 Placing children in secure accommodation elsewhere in Great Britain**

Schedule 1 contains amendments relating to—

- (a) the placement by local authorities in England and Wales of children in secure accommodation in Scotland, and
- (b) the placement by local authorities in Scotland of children in secure accommodation in England and Wales.

*Chapter 1: consequential amendments***11 Chapter 1: consequential amendments**

Schedule 2 contains amendments consequential on this Chapter.